

REMARKS

Claims 1-3 and 5 are pending. By this Amendment, claim 6 is cancelled without prejudice or disclaimer and claim 1 is amended to incorporate the subject matter of claim 6. Thus, this amendment does not raise any new issues requiring further consideration and/or search. Reconsideration and allowance in view of the above amendments and following remarks are respectfully requested.

Claims 1-3 and 6 were rejected under 35 U.S.C. §103(a) over Al-Sioufi (U.S. Patent 4,938,758) in view of Kwon et al. (U.S. Patent 6,340,770). Claim 5 was rejected under 35 U.S.C. § 103(a) over Al-Sioufi in view of Kwon, and further in view of Howell et al. These rejections are respectfully traversed.

It is respectfully submitted that the combination of Al-Sioufi and Kwon fails to present a prima facie case of obviousness because there is no suggestion, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. It is also respectfully submitted that there exists no reason why an ordinary skilled artisan would combine the references in the manner recited in claim 1.

As disclosed, for example, on page 14, lines 5-16 of the instant application, platinum compounds previously known as anticancer agents are used in the claimed invention to inactivate a pathogenic microorganism(s) in blood for use in transfusions.

The Office Action states in the paragraph bridging pages 2 and 3 that it would have been obvious to one skilled in the art to combine the blood bag system of Al-Sioufi with the platinum complex of Kwon in order to provide proper housing in which blood can react with the platinum compound. This observation assumes that one would have had a reason to use the platinum compound of Kwon to inactivate pathogenic microorganisms in blood. Neither Al-Sioufi nor Kwon teach or suggest

using platinum compounds to inactivate pathogenic microorganisms contained in blood as recited in claim 1.

Al-Sioufi discloses that the container 10 includes a neutralizing agent 12 for pathogens, such as HTLV-III. Examples of neutralizing agents are listed in the paragraph bridging columns 5 and 6 and do not include platinum compounds.

Kwon discloses a platinum (IV) complex used as an anti-cancer agent. See column 1, lines 8-9. See, also, column 3, lines 28-29; column 25, lines 11-13; and column 34, line 40. Kwon discloses that cisplatin, a platinum compound, binds to DNA of both normal and cancer cells and hinders the growth of cancer cells more than normal cells, thus acting as an anticancer agent. See column 1, lines 56-60 of Kwon. There is no disclosure in Kwon of using cisplatin, or any platinum compounds to inactivate a pathogenic microorganism contained in blood. Thus, one of ordinary skill in the art would not have had any reason to combine Kwon's anticancer agent with Al-Sioufi's anti-pathogenic blood collection system.

Moreover, as discussed above, claim 1 recites a container containing neutralizing agent to neutralize the inactivator containing the platinum compound. As further disclosed, for example, on page 18, lines 4-7 and 21 through page 19, line 22 of the instant application, as the platinum compounds are toxic and used in higher concentrations for blood preparations than in anticancer agents, a neutralizing agent is added to the blood preparation containing the platinum compound to reduce the toxicity of the platinum compound. Neither Al-Sioufi nor Kwon discloses or suggests this feature. The Official Action states that Al-Sioufi discloses an inactivator 12. However, Al-Sioufi does not disclose or suggest a neutralizing agent for neutralizing the inactivator 12. Al-Sioufi merely discloses in column 6, lines 45-52, that to avoid the toxicity, if any, of the neutralizing agent, one or more washing step(s) may be needed to wash out and dilute the neutralizing agents. Since randomly transfused

patients (the majority of patients) need a limited number of blood component units, the total exposure of the patient to any of the mentioned neutralizing agents is far below its toxicity level. Therefore, Al-Sioufi does not disclose or suggest anything regarding a container containing a neutralizing agent for neutralizing the toxicity of the inactivator 12. Therefore, even if the references were combined, the combination would not include all the features of claim 1.

Claims 2, 3 or 5 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) over Al-Sioufi and Kwon are respectfully requested. Howell does not overcome the deficiencies of Al-Sioufi and Kwon.

In view of the above amendments and remarks, it is respectfully submitted that all of the claims are allowable and the entire application is in condition for allowance.


Should the Examiner believe that anything further is necessary to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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